

## REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-8 remain pending in the present application.

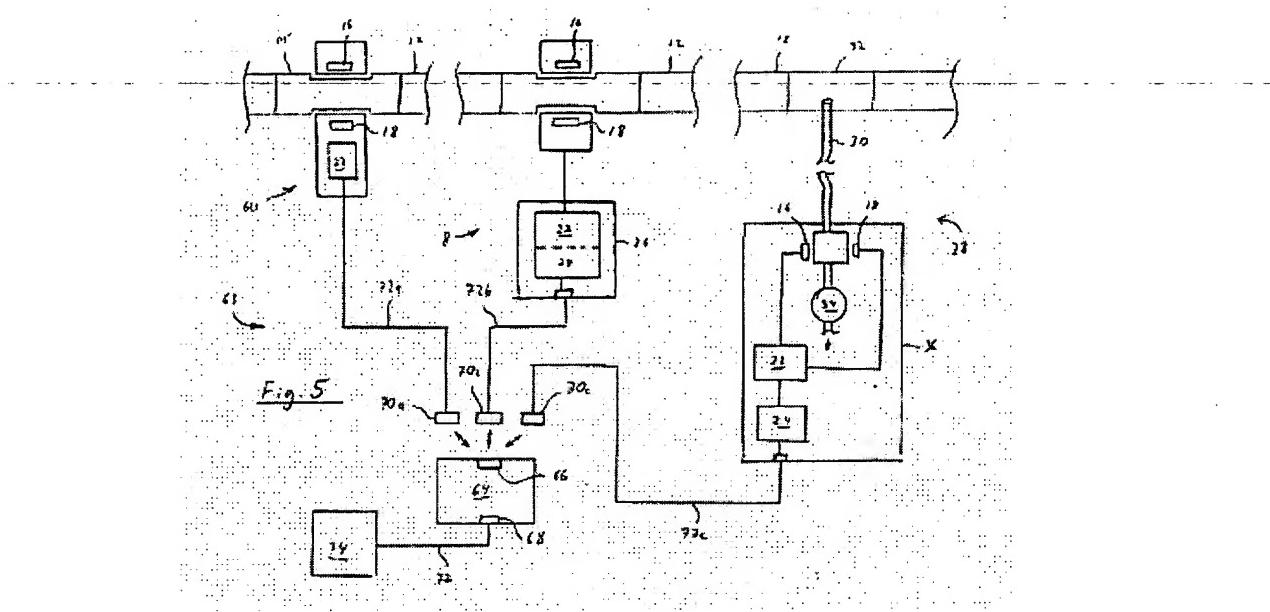
The drawings are objected to as failing to comply with 37 C.F.R. § 1.84(p)(5) because the reference numeral “52” used in the specification was not shown in the figures.

Applicant has corrected this informality by amending the specification to change “52” to “50”, which is the correct reference numeral used in the figures. The specification was also amended above to correct the use of reference numeral “60”. No new matter has been added.

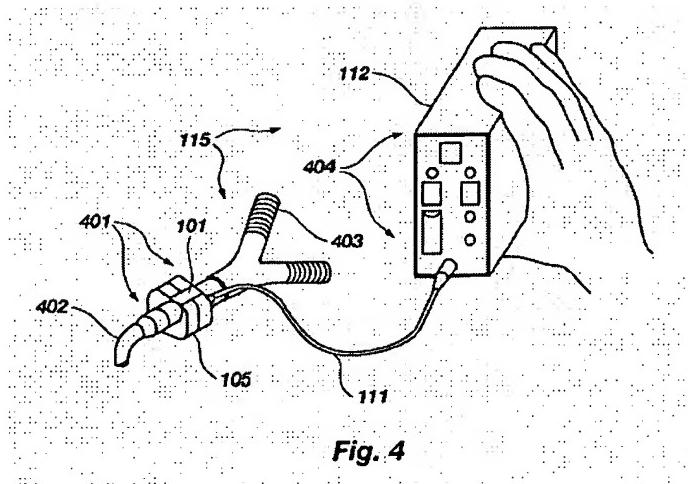
Accordingly, applicant respectfully requests that the amendments to the specification be approved and the objection to the drawings withdrawn.

Claims 1-8 stand rejected under 35 U.S.C. § 102 as being anticipated by Published U.S. Patent Appln. No. 10/402,596 to Blazewicz et al. (“the ‘596 application”), publication no. 2003/0190262. Applicant respectfully traverses this rejection for the reasons presented below.

Independent claim 1 defines a respiratory gas monitoring system that includes an (1) interface unit and (2) a plurality of gas measurement systems. The interface unit is capable of being coupled to each different type of gas measurement system in the plurality of gas measurement systems. The interface unit recited in claim 1 corresponds to an electro/mechanical device that is capable of receiving a signal output from each of the different types of gas measurement systems. Figure 5 from the present application is reproduced below for the Examiner’s convenience in understanding these features of the present invention. It can be appreciated from reviewing this figure, as well as the specification, that the claimed “interface unit” corresponds to item 64. It can be further appreciated that the plurality of gas measurement systems correspond to items 60, 8, and 28 shown in this figure. See paragraph [31] of the present specification, which also explains these features of the present invention.



The Examiner interprets the claimed "interface unit" as corresponding to airway adapter 101 taught by the '596 application. Figure 4 from the '596 application is reproduced below. Airway adapter 101 is the device through which gas to be measured is passed. Clearly, the Examiner has misinterpreted the meaning of the "interface unit" recited in claim 1. Airway adapter 101 provides a gas flow path with, which the interface unit of claim 1 does not serve as a part of the gas flow path.



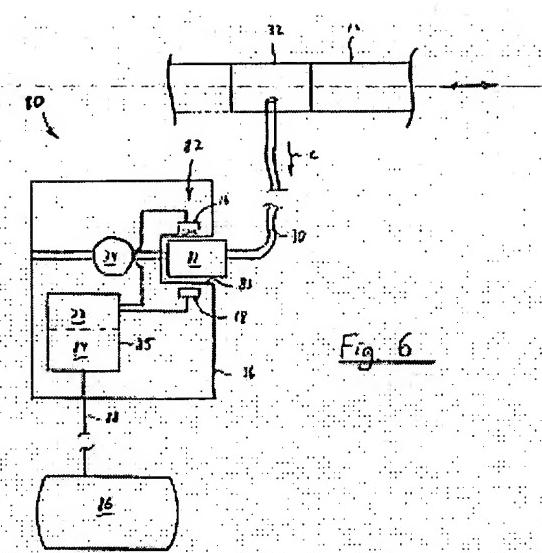
Claim 1 recites that each gas measurement system is adapted to be placed in fluid communication with an airway of a patient to measure at least one respiratory gas. Thus, claim 1

contemplates that the gas measurement system interfaces with the patient. The Examiner cites Figure 11 of the '596 application as teaching a sidestream gas measurement system 401. Claim 1 further recites that each gas measurement system has an output coupling that is adapted to be removably coupled to the input coupling of the interface unit. Using the Examiner's interpretation of claim 1, the output of sidestream gas measurement system 401, which is an electrical signal, would have to be provided to airway adapter 101 (allegedly corresponding to the claimed "interface unit"). It is nonsensical to suggest that the sidestream gas measurement system provides a signal to airway adapter 101, which is merely a plastic part.

Claim 1 further recites that each gas measurement system includes a processing means for determining, from the respiratory gas, at least one respiratory variable of such a patient and for providing an output to the interface unit via the output coupling. The Examiner points out that the '596 application includes a DSP controller, but does not explain how the existence of the DSP satisfies this language of claim 1, which recites that the processor in the gas measuring system provides an output indicative of a respiratory variable and provides this output to the interface unit. As noted above, in the Examiner's combination of features, the DSP would have to provide a signal indicative of a respiratory variable to an airway adapter. Again, it simply is nonsensical to suggest that the DSP provide a signal to a plastic airway adapter 101.

Independent claim 4 is a method claim that is generally similar to apparatus claim 1. Thus, the comments presented above are equally applicable to method claim 4.

Independent claim 6 recites a sidestream gas measurement system that communicates with a host system configured to communicate only with a mainstream gas measurement system. In particular, claim 6 recites that the sidestream gas measurement system includes a housing, and a sample cell connector associated with the housing and adapted to receive a sample cell. The Examiner has misinterpreted the meaning of the housing and the sample cell connector. The housing of claim 6 corresponds to housing 36 from Figure 6 of the present application, which is reproduced below. The sample cell connector of claim 6 correspond to receptacle 83 defined in housing 36. The sample cell connector makes it possible to attach a sample cell 81 to the housing.



The Examiner interprets the housing of claim 6 to correspond to airway adapter 101 from the '596 application. Clearly this is incorrect, as there is no relationship whatsoever between housing 36 and an airway adapter. The Examiner also interprets the sample cell connector as being the inlet and the outlet to the airway adapter. Again, it is clear that the inlet and outlet to an airway adapter do not correspond to the receptacle (83) that allows a sample cell (81) to attach to the housing.

Claim 6 further recites an emulation means, receiving the signal from the gas sensor, and using the signal in an output signal, to simulate signals of output by a mainstream gas measurement system. The Examiner contends that the DSP in the '596 application corresponds to this "emulation means". However, the Examiner has not explained how or why the DSP would take a signal from the sidestream sensor and change it to emulate the signal from a mainstream gas measurement system. Applicant respectfully requests that the Examiner explain where such a teaching is found in the '596 application if the Examiner intends to maintain this rejection.

Independent claims 7 and 8 also recite a host system interface and method in which the host system interface is configured to communicate an output of a processor with a host system configured to interface only with a mainstream gas measurement system. The processing element configures signals provided by the host system interface to emulate signals

provided by a mainstream gas measurement system or a portion thereof. As noted above, with respect to claim 6, the '596 application does not teach or suggest the DSP provides signals that correspond to a mainstream gas measurement system from a sidestream type of gas measurement system.

For the reasons presented above, applicant respectfully submits that independent claims 1, 4, and 6-8 are not anticipated or rendered obvious by the cited references. In addition, claims 2, 3, and 5 are also not anticipated or rendered obvious due to their dependency from independent claims 1 or 4. Accordingly, applicant respectfully requests that the above rejection of claims 1-8 be withdrawn.

This response is being filed within the three-month statutory response period which expires on April 5, 2005. In addition, no additional claim fees are believed to be required as a result of the above amendments to the claims. Nevertheless, the Commission is authorized to charge the any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

By Michael W. Haas  
Michael W. Haas  
Reg. No.: 35,174  
Tel. No.: (724) 387-5026  
Fax No.: (724) 387-5021

RESPIRONICS, INC.  
1010 Murry Ridge Lane  
Murrysville, PA 15668-8525